

Re: RE: Possible Superfund near Silverton -- Some type of decision by Dec. 20???

Daniel Heffernan to: Sandy Fells, Michael Holmes, SABRINA FORREST, Jennifer Lane

12/09/2011 09:49 AM

From: Daniel Heffernan/R8/USEPA/US

To:

Of course I meant Dec 2011 (not 2012) in my previous email. Corrected response:

If the site were to be proposed to the NPL in spring 2012 EPA would have requested state concurrence in December 2011 as one step/deadline in the proposal process. EPA is not working toward a spring 2012 proposal and thus has not requested state concurrence. The Site Assessment Manager (Sabrina Forrest) shared the spring 2012 NPL proposal schedule with the ARSG this past summer.

Sorry,

Dan Heffernan

From: Sandy Fells

Sent: 12/09/2011 09:19 AM MST

To: holmes.michael@epa.gov

Cc: Steve Wharton; Bill Murray; Jennifer Lane; heffernan.daniel@epa.gov

Subject: Fw: RE: Possible Superfund near Silverton -- Some type of decision by Dec. 20???

Hi, Mike -- Can you help me respond to the question from Jimmy Hague with Senator Mark Udall's DC office below?

Many thanks!

Sandy

-----Forwarded by Sandy Fells/R8/USEPA/US on 12/09/2011 09:14AM -----

To: Sandy Fells/R8/USEPA/US@EPA

From: "Hague, James (Mark Udall)" <James_Hague@MarkUdall.senate.gov>

Date: 12/09/2011 09:00AM

Subject: RE: Possible Superfund near Silverton

Sandy, another question on possible Cement Creek listing. The mining company told me that the EPA reps at the community meeting in August said there would be some type of decision re NPL listing by Dec. 20. Perhaps something as simple as an informal determination of local support for listing. Can you confirm any sort of timeline EPA has for the NPL decision or when announcements may be planned? Several of the locals I've spoken to are worried a listing is imminent and/or that EPA is fast-tracking it. Based on my conversations with you and the governor's office, there is still a long way to go before any final decision. I would like to assuage their fears, if I am correct.

Thanks,

Jimmy

-----Original Message-----

From: Fells.Sandy@epamail.epa.gov [<mailto:Fells.Sandy@epamail.epa.gov>]

Sent: Tuesday, November 08, 2011 1:45 PM

To: Hague, James (Mark Udall)

Subject: Re: Possible Superfund near Silverton

Hi, Jimmy -- Good to hear from you. I thought it might be helpful to

provide some background on the area of consideration near Silverton that you inquired about. You may know this info already.

For our discussions with the stakeholders in the Silverton area, we are referring to the area under consideration as "Cement Creek." It includes the American Tunnel. EPA has a new project manager who will be working with the community (including the Animas River Stakeholder Group, Town of Silverton and San Juan County) to come up with a comprehensive, permanent, funded approach to reducing sources of metals contamination from mining to the Upper Animas River. We have made no decision on NPL listing for the area, but feel that Superfund should be considered as an option.

We expect to be meeting again with the community and stakeholders in Silverton in a few weeks. I'll keep you apprised on that.

If you have additional questions for now, I can run down the best person here to respond (either the former or the new project manager). I can arrange a conference call for you with the "Cement Creek" team, if that would be helpful at this time.

Thanks!

Sandy

In the 1990s EPA conducted an initial site assessment to determine mining-related loads to the Cement Creek drainage (near Silverton, CO) and eligibility for the Superfund National Priorities List (NPL). Based on community input and proposals from the Animas River Stakeholders Group (ARSG), EPA did not pursue the NPL listing and has consistently participated in and supported the ad hoc ARSG since 1997. Despite progress in areas of the watershed, water quality in Upper Cement Creek has deteriorated and is negatively impacting the Animas River. EPA and other ARSG participants believe metals loading in Upper Cement Creek may also explain the recent loss of three species of trout in the Animas at its confluence with Cascade Creek just south of Silverton, CO.

In 2009, EPA and ARSG members began implementing a water quality sampling program to characterize the changing situation. The increased metals loads from the largest untreated mine discharges in Cement Creek contain more than 8 times the amount of copper and between 8 and 30 times the amount of zinc that Sunnyside Gold Corporation was allowed to discharge while they were treating water (water treatment ceased in 2004). Based on EPA's assessment, the area currently qualifies for inclusion on the National Priorities List (NPL) however EPA has not proposed the Cement Creek site to the NPL.

EPA's goal is like that of other stakeholders in that we want to see water quality in the Animas improve. Listing a site on the NPL is not the only possible path to reach that goal. NPL listing is however a real, viable and comprehensive option when faced with a challenge of this magnitude. While there is never complete consensus in a community when it comes to NPL listing, EPA strives to meaningfully engage community members and achieve significant community support prior to proposing a new NPL site. At this time EPA is engaging federal, state and local stakeholders in a dialogue aimed at exploring viable and comprehensive options that will lead to lasting water quality improvements in the Animas.

From: "Hague, James (Mark Udall)"
<James_Hague@MarkUdall.senate.gov>
To: Sandy Fells/R8/USEPA/US@EPA
Date: 11/07/2011 03:37 PM
Subject: Possible Superfund near Silverton

Sandy, is there someone in Region 8 I can talk to about a possible Superfund listing of an area near Silverton? I believe it's the American Tunnel that's under consideration. I'm curious what the status is from EPA's perspective and what process you are going through to determine if it merits listing.

Thanks,

Jimmy

Jimmy Hague | Legislative Assistant | U.S. Senator Mark Udall |
Hart 328 | Washington, DC 20510 | (202) 224-5941

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